

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Matthew Hernandez,

No. 24-cv-27 (KMM/DLM)

Petitioner,

v.

ORDER

B. Eischen, FPC Duluth, Warden,

Respondent.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Douglas L. Micko, dated October 28, 2024. Judge Micko recommends that the habeas petition filed by Petitioner Matthew Hernandez be denied as moot and for lack of subject matter jurisdiction. Mr. Hernandez has not objected to the R&R.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Court agrees that the petition is moot.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 11) is **ACCEPTED**;
2. Petitioner Matthew Hernandez's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 1) is **DENIED AS MOOT**; and

3. This matter is **DISMISSED WITHOUT PREJUDICE.**

Let Judgment Be Entered Accordingly.

Date: **November 20, 2024**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge